

RESOLUTION NO. 3422-2011

RESOLUTION OF THE FORT BRAGG CITY COUNCIL AUTHORIZING THE EXPENDITURE OF REDEVELOPMENT AGENCY FUNDS FOR SPECIFIED PUBLIC IMPROVEMENTS AND REDEVELOPMENT ACTIVITIES, APPROVING A COOPERATIVE AGREEMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT

WHEREAS, the Fort Bragg Redevelopment Agency ("Agency") is a redevelopment agency formed, existing and exercising its powers pursuant to California Community Redevelopment Law, Health and Safety Code Section 33000 *et seq.* ("CRL");

WHEREAS, the City Council ("City Council") of the City of Fort Bragg ("City") has adopted and amended the Redevelopment Plan ("Redevelopment Plan") for the Fort Bragg Redevelopment Project Area ("Project Area"); and

WHEREAS, in keeping with the goals of the Agency to eliminate blight in the Project Area in accordance with the Redevelopment Plan and Agency's current Five-Year Implementation Plan ("Implementation Plan"), the City and Agency have been working cooperatively regarding the development of certain public improvements in the Project Area; and

WHEREAS, the City and Agency have determined that it would be mutually beneficial to enter into a Cooperative Agreement ("Agreement") a copy of which is on file with the City Clerk and Agency Secretary, pursuant to which the Agency would agree to pay for certain public improvements and other activities to be undertaken by the City (collectively referred to as the "Project") in the furtherance of the redevelopment of the Project Area;

WHEREAS, pursuant to Section 33445 of the CRL, the Agency may, with the consent of the City, pay for all or a portion of the cost of the land for, and the cost of construction of, any building, facility, structure, or other improvements that are publicly owned and located within or contiguous to the Project Area if the City Council determines that:

(1) The acquisition of the land or the installation or construction of the buildings, facilities, structures, or other improvements that are publicly owned are of benefit to the Project Area or the immediate area in which the project is located;

(2) The acquisition of the land or the installation or construction of the buildings, facilities, structures, or other improvements that are publicly owned benefits the Project Area by helping to eliminate blight within the Project Area, or will directly assist in the provision of housing for low- or moderate-income persons;

(3) No other reasonable means of financing the acquisition of the land or the installation or construction of the buildings, facilities, structures, or other improvements that are publicly owned, are available to the community;

(4) The payment of funds for the acquisition of land or the cost of buildings, facilities, structures, or other improvements that are publicly owned is consistent with the Implementation Plan; and

WHEREAS, the Agreement relates only to a government funding mechanism and requires the completion of environmental review pursuant to the California Environmental

Quality Act ("CEQA") prior to the commencement of any public improvement listed in the Agreement; and

WHEREAS, there is no possibility that the approval of the Agreement will have a significant effect on the environment, and for that reason it is exempt from CEQA, pursuant to State CEQA Guidelines Section 15061(b)(3); and

WHEREAS, the staff report accompanying this Resolution, the Redevelopment Plan, and the Implementation Plan provide additional information upon which the findings and actions set forth in this Resolution are based; and

WHEREAS, the improvements to be funded pursuant to the Agreement are provided for in the Redevelopment Plan, and the expenditure of tax increment funds for the Project is consistent with the Implementation Plan, in that they will further the goals and objectives of the Redevelopment Plan, improve the appearance of the Project Area, eliminate existing conditions of physical and economic blight, improve access to Project Area businesses, support economic development, and support the continued development of affordable housing; and

WHEREAS, the Project will not generate cash flow to the City or Agency to support debt service; the City has no unrestricted general fund revenue available for the Project without a reduction in vital community services; and the City does not have and cannot reasonably obtain revenue available for the Project, and therefore no other reasonable means of financing the Project exists.

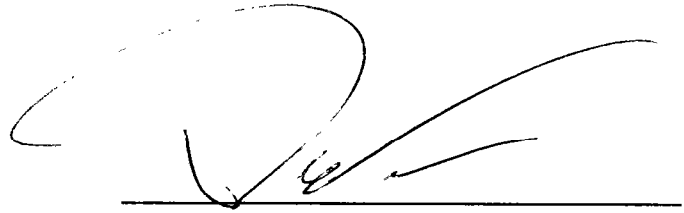
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby:

1. Find, based upon the foregoing recitals and the evidence set forth in the staff report, accompanying this Resolution, that: (i) the Project will be of benefit to the Project Area by helping to eliminate existing blighting conditions and facilitating the development of low and moderate-income housing, (ii) no other reasonable means of financing the Project is reasonably available, and (iii) the expenditure of tax increment funds for, and completion of, the Project is provided for and is consistent with the Implementation Plan.
2. Approve the Agency's expenditure of Agency funds in the amounts and for the purposes specified in the Agreement.
3. Approve the actions to be undertaken and the services to be provided by the City as specified in the Agreement.
4. Acting as lead agency, as determined in accordance with CEQA Guidelines section 15051, authorize the City Clerk to file a Notice of Exemption, pursuant to CEQA Guidelines section 15062.
5. Authorize the City Manager to execute the Agreement on behalf of the City substantially in the form on file with the City Clerk and to undertake such actions and to execute such additional instruments as may be necessary or desirable in order to carry out the intent of this Resolution.

The above and foregoing Resolution was introduced by Councilmember Hammerstrom, seconded by Councilmember Courtney, and passed and adopted at a regular meeting of

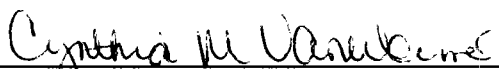
the City Council of the City of Fort Bragg held on the 24th day of January, 2011, by the following vote:

AYES: Councilmembers Courtney, Gjerde, Hammerstrom, Melo, and Mayor Turner.
NOES: None.
ABSENT: None.
ABSTAIN: None.



DAVE TURNER,
Mayor

ATTEST:



Cynthia M. VanWormer, CMC
City Clerk